

## *City of Naples*

Naples City Council Meeting Agenda  
March 10, 2022 - 7:30 p.m.  
1420 East 2850 South  
Naples, UT 84078

### Opening Ceremonies

1. Approval of Agenda
2. Approval of Minutes - February 24, 2022 Regular Council Meeting
3. Any Follow Up Matters from February 24, 2022
4. Approval of Bills
5. Update and Request for Donation - Dinosaur Roundup Rodeo Committee - Mike Karren
6. Presentation on Tobacco Prevention and Control - Jeramie Tubbs Tri-County Health
7. Update - Uintah Fire Suppression Control District - Jeremy Raymond
8. Storage Unit Commercial Development Fencing Request - James Richards
9. Review and Update CIB One and Five Year Capital Improvement Lists
10. Open and Public Meetings Annual Training
11. Department Reports
12. Other Matters/Future Council Matters
13. Motion to Adjourn

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Naples City offices at 789-9090, 1420 East 2850 South, Naples, UT 84078 at least 48 hours in advance of the meeting. Meetings are held at 1420 East 2850 South, Naples, UT.

The undersigned, duly appointed City Recorder, does hereby certify that the above agenda was faxed or emailed to the Vernal Express. The agenda was also posted on the City's website [www.naplescitu.gov](http://www.naplescitu.gov) and on the State Public Meeting Notice website <https://pmn.utah.gov>. Nikki W. Kay

# Naples City Council

## February 24, 2022

### Minutes

The regularly scheduled meeting of the Naples City Council was held February 24, 2022, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

Others attending were Craig Nebeker, Michael Cook, Bryan Meier, Brooks Jones, Stephanie Adams, Ryan Cook, Szeth Simmons, Nathan Simper, Micheal Davis and Nikki Kay.

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dan Olsen offered the invocation.

Mayor Baker asked for approval of the agenda. Dennis Long **moved** to approve the agenda. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

The minutes of the regular city council meeting of February 10, 2022 were presented for approval. Robert Hall **moved** to approve the minutes. Dennis Long **seconded** the motion. The motion passed with all in attendance voting in the affirmative.

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Councilman Kitchen asked about the Pheasant Run deed reverter. Micheal Davis stated they would be meeting with Laurie Brummond on Monday and wanted to bring that up with her just to make sure there would be no issue with UBAOG, then it will come back to Council.

Nikki Kay presented the bills for payment in the amount of \$29,627.80. Dennis Long **moved** to approve the amount of \$29,627.80. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

#### ***DATE, TIME & PLACE OF MEETING***

#### ***COUNCIL MEMBERS ATTENDING***

#### ***OTHERS ATTENDING***

#### ***OPENING CEREMONY***

#### ***AGENDA APPROVED***

#### ***MINUTES APPROVED***

#### ***FOLLOWUP ITEMS FROM PREVIOUS MEETING***

#### ***APPROVAL OF THE BILLS***

**DRAFT**

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Nikki Kay presented the business license application of **Altitude Energy Solutions** located at 1735 E 1500 S. The business is an oil and gas equipment service business. The business is located in the proper zone and was recommended for approval by Dale Peterson. Gordon Kitchen **moved** to approve the business license. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***BUSINESS LICENSE  
APPROVAL***

A business license application was presented for approval from **Sweet Celebrations** located at 815 Hanna Lane. Nikki Kay explained this was a home occupation business for an in home bakery. The owner does custom baking and people would, at times, come to her home to pick up products. The license was recommended for approval by Dale Peterson. Robert Hall **moved** to approve the license. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Ryan Cook presented a work release order from Sunrise Engineering. The work order was for Sunrise Engineering to provide services for a road surfacing inventory management web application and to help implement the use of GIS mapping and management applications. Ryan said they have been looking at different programs and keep coming back to this one. He stated the program will help them inventory the roads, help project the cost of restoration or resurfacing, track their signs, road cuts, potholes, and irrigation lines. Ryan stated the initial set up cost is \$6,200 and will be approximately \$2,400 annually for maintenance. He said they did budget for this. Councilman Hall asked how long it will take to get the data in this first time. Ryan said he didn't know but there are people to help. Councilman Kitchen said it is something that has been needed but wanted to know if this is a contract, what is the actual cost. He said that "annual estimates" in a contract always worry him. Ryan said if they were to add their equipment, that would be an added cost. Mayor Baker stated, AVW&S use something similar and he said he was skeptical at first but now they are sold on it.

***APPROVE EXPENDITURE  
FOR ROADWAY SURFACE  
INVENTORY  
MANAGEMENT SERVICES***

**DRAFT**

He said it would be good to have it for irrigation lines that most people are not aware of. Councilman Kitchen stated he was not opposed to the request, just the idea of having an "estimate" in a contract and if the cost will go up each year and if there is an expiration date for the contract. He said he has no problem with the \$6,200 and the \$2,400 annually. Bryan Meier with Sunrise Engineering said there is an estimated cost for the ARC GIS but that is not from Sunrise directly, those costs are passed on by the State. He said they want to be able to serve and this is a price they feel is good for smaller entities. Robert Hall **moved** to approve work release No. 2021-1. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:



Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mike Cook came before the Council seeking approval for their support of the ATV Jamboree again this year. Mr. Cook stated he is the Trails Coordinator for Uintah County and has helped organize this event for the past several years. He stated the event has become so popular they had to cap the number of participants. Mr. Cook stated, in the past, they have asked different entities to sponsor a ride, provide lunch, and go along on the ride. He said this has been a good opportunity for entities to come out and show their support. Mr. Cook said it is a fun event and they already have people from about twelve different states registered. He said Naples has been helping to sponsor for about three years and he wanted to say thank-you and ask if the City would be willing to help again this year. Dan Olsen **moved** to support the ATV Jamboree again this year. Robert Hall **seconded** the motion. The motion passed with the following roll call:

***APPROVE SUPPORT FOR  
ATV JAMBOREE***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Council members received a proposed change to the Land Use Ordinance Chapter 02-24-005. Gwen Harrison explained this change was proposed by Dale Peterson who had some

***APPROVE CHANGES TO  
LAND USE ORDINANCE  
CHAPTER 02-24-005***

property owners wanting the setbacks for accessory buildings to be less than the current five feet. The change recommended was to change from five feet to three feet for the set backs of accessory building and those that were under 200 square feet are exempt from location requirements. Gwen stated the Planning Commission held a public hearing to discuss the changes and the only concerned that was raised was whether or not a fire wall would need to be in place for buildings or structures too close to another building. Gwen stated that would only apply to buildings larger than 200 square feet and an inspection would need to be done, but Mr. Peterson is doing those inspections anyway. Dennis Long **moved** to approve Ordinance 22-242. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Micheal Davis wanted the Council to know the application submitted to the Joint Highways for the second phase of the 2000 East project was denied. He stated the City can try and reapply next year or they can try for different funding if they want that project to continue.

No other departments had anything to report.

Mayor Baker asked Nikki to see about adding the Open and Public Meetings training to one of the meetings in March.

With no other business before the Council, Robert Hall **moved** to adjourn the meeting at 8:15. Dan Olsen **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

APPROVED BY COUNCIL ON THE 10<sup>th</sup> DAY OF MARCH 2022

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_

## ***ORDINANCE 22-242***

### ***DEPARTMENT REPORTS***

### ***OTHER MATTERS AND FUTURE COUNCIL MATTERS***

### ***MOTION TO ADJOURN***

**DRAFT**

## Report Criteria:

Invoices with totals above \$0.00 included.

Only unpaid invoices included.

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-22500 HEALTH INSURANCE	22	American Family Life Assurance	Insurance Premium/employee w/h	398868	02/25/2022	188.48
10-22500 HEALTH INSURANCE	410	HealthEquity, Inc.	HSA Monthly Fees	GV84QBF	03/04/2022	15.75
10-22500 HEALTH INSURANCE	490	Judd, Dennis L.	D. Judd dental insurance	490-0122	02/28/2022	85.85-
Total :						98.38
41-40-750 CAPITAL BLDG IMPR	223	Codale Electric Supply	Heat tape clips	S7637170.001	02/28/2022	108.23
Total EXPENDITURES:						108.23
10-43-250 VEHICLE MAINTENA	627	Papa's Dino Express	Car washes	236849	03/01/2022	13.00
10-43-250 VEHICLE MAINTENA	958	Main Street Auto	Wiper Blades	117064	02/23/2022	31.48
10-43-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2208E00842	03/03/2022	68.69
Total CITY ADMINISTRATOR:						113.17
10-47-133 HEALTH INSURANCE	490	Judd, Dennis L.	D. Judd dental insurance	490-0122	02/28/2022	85.85
10-47-310 PROSECUTING ATT	490	Judd, Dennis L.	Prosecuting Attorney	490-0122	02/28/2022	3,706.92
10-47-330 CITY ATTORNEY - CI	490	Judd, Dennis L.	Civil Attorney	490-0122	02/28/2022	3,902.08
10-47-610 MISCELLANEOUS C	490	Judd, Dennis L.	Copies, phone calls, etc	490-0122	02/28/2022	50.00
Total CITY ATTORNEY:						7,744.85
10-50-260 GROUNDS EQUIP/S	601	Morcon Specialty, Inc.	Coolant Hose	V177376	03/02/2022	3.85
10-50-260 GROUNDS EQUIP/S	958	Main Street Auto	Generator Battery	117968	03/02/2022	143.99
10-50-270 UTILITIES - SHOP	46	Ashley Valley Water & Sewer	Water and sewer billing 17.0475.1	4751-0222SH	02/28/2022	61.00
10-50-270 UTILITIES - SHOP	46	Ashley Valley Water & Sewer	Water and sewer billing 17.0476.1	4761-0222SB	02/28/2022	61.00
10-50-270 UTILITIES - SHOP	760	Dominion Energy	Monthly Gas Service - 056686000	0566-0222SH	02/21/2022	360.77
10-50-270 UTILITIES - SHOP	988	Strata Networks	Internet at road dept	4672009	02/28/2022	64.98
10-50-270 UTILITIES - SHOP	1099	Rocky Mountain Power	Monthly Electric Service 6119018	0186-0222SH	02/18/2022	353.66
10-50-271 UTILITIES - CITY HAL	46	Ashley Valley Water & Sewer	Water and sewer billing 15.1050.1	0501-0222OF	02/28/2022	61.00
10-50-271 UTILITIES - CITY HAL	760	Dominion Energy	Monthly Gas Service - 207686000	2076-0222OF	02/21/2022	280.49
10-50-271 UTILITIES - CITY HAL	760	Dominion Energy	Monthly Gas Service - 447509353	4475-0222GEN	02/21/2022	23.17

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-50-271 UTILITIES - CITY HAL	760	Dominion Energy	Monthly Gas Service - 896686000	8966-0222WW	02/21/2022	146.27
10-50-271 UTILITIES - CITY HAL	775	RDT, Inc.	Garbage Service - 1118	1118-0222	03/01/2022	61.00
10-50-271 UTILITIES - CITY HAL	988	Strata Networks	Monthly Phone & Internet Service	4672009	02/28/2022	447.63
10-50-271 UTILITIES - CITY HAL	1099	Rocky Mountain Power	Monthly Electric Service 6115959	9596-0222OF	02/18/2022	302.07
10-50-271 UTILITIES - CITY HAL	1168	West End Cleaners, Inc.	Traffic rug for offices	53282	03/01/2022	61.60
10-50-274 UTILITIES - PLAZA P	46	Ashley Valley Water & Sewer	Water and sewer billing 15.1049.1	0491-0222PP	02/28/2022	25.50
10-50-274 UTILITIES - PLAZA P	46	Ashley Valley Water & Sewer	Water and sewer billing 16.0435.1	4351-0222RSP	02/28/2022	25.50
10-50-611 CLEANING SUPPLIE	902	Staples	Hand towels, Wipes	7351572488	03/03/2022	36.42
Total GENERAL GOVERNMENT BUILDINGS:						2,519.90
10-51-240 OFFICE SUPPLIES A	565	Mansfield Printing, Inc.	Business cards	12056	01/31/2022	149.85
10-51-240 OFFICE SUPPLIES A	902	Staples	Paper, post it notes	7351572488	03/03/2022	71.00
10-51-250 EQUIPMENT, SUPPLI	1201	Xerox Corporation	Copy charges for WC7845	15663418	03/01/2022	105.51
Total SUPPLIES/EQUIPMENT:						326.36
10-52-245 COMPUTER SUPPLI	1006	Uintah County Recorder	Internet charges	59719	03/01/2022	10.00
Total PLANNING AND ZONING:						10.00
10-54-240 OFFICE SUPPLIES &	565	Mansfield Printing, Inc.	Business cards	121039	12/30/2021	119.35
10-54-250 VEHICLE MAINTENA	627	Papa's Dino Express	Car washes	236858	03/01/2022	74.00
10-54-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2208E00842	03/03/2022	1,662.74
10-54-271 UTILITIES-POLICE	46	Ashley Valley Water & Sewer	Water and sewer billing 16.1110.1	1101-0222PS	02/28/2022	61.00
10-54-271 UTILITIES-POLICE	760	Dominion Energy	Monthly Gas Service - 045686000	0456-0222PS	02/21/2022	248.62
10-54-271 UTILITIES-POLICE	775	RDT, Inc.	Barrel service	1118-0222	03/01/2022	22.00
10-54-332 MOBILE UNIT EXPEN	53	AT&T Mobility	Wireless Data Connections	287283594206	02/20/2022	280.28
Total POLICE DEPARTMENT:						2,467.99
10-58-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2208E00842	03/03/2022	44.10
Total BUILDING INSPECTOR:						44.10
10-80-220 ADVERTISEMENT	565	Mansfield Printing, Inc.	Parking Violation Notice	121038	12/30/2021	93.01

GL Acct No	Vendor	Vendor Name	Description	Invoice Number	Invoice Date	Invoice Amount
10-60-251 FUEL & OIL	958	Main Street Auto	Hydro TI	115812	02/15/2022	79.99
10-60-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2208E00842	03/03/2022	245.35
10-60-269 STREET SWEEPER	958	Main Street Auto	Air filter	115960	02/16/2022	105.73
Total STREETS:						524.08
10-68-270 UTILITIES-STREET LI	1099	Rocky Mountain Power	Monthly Electric Service 6108154	1546-0222ST	02/18/2022	2,192.83
Total STREET LIGHTS:						2,192.83
10-70-251 FUEL & OIL	1106	Fleet Operations - Fuel Network	Fuel Purchase	F2208E00842	03/03/2022	387.85
10-70-254 BOBCAT MAINTENA	444	Intermountain Bobcat	Angle Broom Brushes	P01140	02/22/2022	465.80
10-70-255 EQUIPMENT REPAIR	1147	Vernal Winnelson Company	Water Heater Igniter	495407	02/25/2022	44.00
10-70-266 HWY 40 BEAUTIFICA	895	Split Mountain Garden Center	Fertilizer	65385	03/02/2022	679.92
10-70-269 SUBDIVISION PARK	46	Ashley Valley Water & Sewer	Water and sewer billing 18.0551.1	5511-0222IRO	02/28/2022	27.50
10-70-269 SUBDIVISION PARK	46	Ashley Valley Water & Sewer	Water and sewer billing 18.1826.4	8264-0222SUN	02/28/2022	27.50
10-70-271 UTILITIES OF EAST P	46	Ashley Valley Water & Sewer	Water and sewer billing 16.1128.1	1281-0222PK	02/28/2022	61.00
10-70-274 TOOLS & SUPPLIES	555	Lowe's Commercial Services	Bit heads torx	11127177	02/17/2022	23.68
10-70-330 EDUCATION AND SA	1210	Zion's First National Bank	Hotel	22509095	02/24/2022	245.94
Total BUILDING & GROUNDS:						1,963.19
Grand Totals:						18,113.08

## Report Criteria:

Invoices with totals above \$0.00 included.

Only unpaid invoices included.



# TOBACCO PREVENTION AND CONTROL IN UTAH

TWENTY-FIRST ANNUAL REPORT

**FY 2020**



UTAH DEPARTMENT OF  
**HEALTH**

Utah Department of Health  
Tobacco Prevention and Control Program

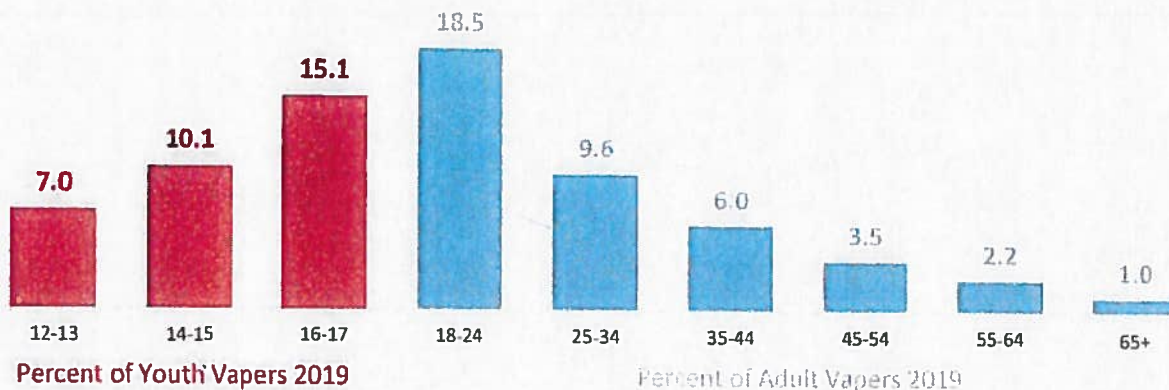


## VAPING AND NICOTINE ADDICTION

9

Utah's young adults and older teens are more likely to use electronic cigarettes or vape products than any other age group. Innovative vaping device designs, interesting flavors, and social media advertising contribute to high experimentation and use rates among young people.<sup>5</sup> Vape products often contain highly addictive nicotine salts with nicotine concentrations that are equal to or higher than the nicotine content of an entire pack of cigarettes. Nicotine whether smoked, vaped, or chewed interferes with brain development, and has lasting effects on cognitive abilities and mental health.<sup>6</sup>

▲ In 2019, vape product use was highest among Utah's older teens and young adults.<sup>1,7</sup>



Better regulation of vape products is needed to reduce vape-related health risks. A nationwide outbreak of severe lung disease in younger patients with a history of vaping labeled EVALI (E-cigarette or Vaping Product Use-associated Lung Injury) led to the hospitalization of 134 Utahns. The majority of Utah EVALI patients (65%) were between the ages of 14 and 29.

During the 2020 Legislative Session, Utah passed laws to counter the rapid rise of youth vape product use by restricting the sale of flavored tobacco products to tobacco specialty stores (mint and menthol excluded) and increasing the price of vape products through an electronic cigarette tax. To ensure that these laws are effective in reducing nicotine addiction, additional studies of youth access to tobacco specialty stores and the effects of the mint/menthol exclusion are needed.

**SEE THROUGH THE  
VAPE  
.ORG**

In FY 20, the TPCP developed a new web site (<https://seethroughthevape.org/>) to provide updates on vape product designs, flavors, and the dangers associated with vaping to

parents and young adult vape product users. The site also links to quit services such as the My Life My Quit program, a free and confidential service specifically developed for youth ages 13-17. My Life My Quit is based on best practices and offers access to quit coaches through online chats, texts, or calls.

**LUNGS BURNING?  
IT'S YOUR VAPE?**

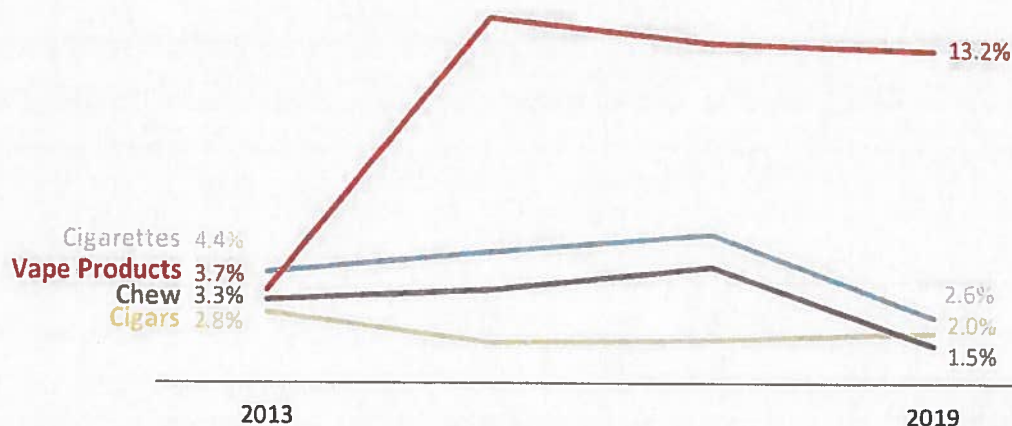
Text "Start My Quit" to 855-891-9989  
Free, confidential help. Just for teens.

**MY LIFE MY QUIT.**

## TriCounty Health District (TRCHD) Tobacco Statistics

	TRCHD	STATE
<b>Cigarette Smoking</b>		
Adult Cigarette Smoking (2018) <sup>1</sup>	17.4%	9.2%
Youth Cigarette Smoking in Grades 8, 10, 12 (2019) <sup>7</sup>	2.6%	1.5%
Pregnant Women Smoking (2018) <sup>13</sup>	10.6%	4.3%
<b>Use of Electronic Cigarettes and Smokeless Tobacco</b>		
Youth Experimentation with Electronic Cigarettes in Grades 8, 10, 12 (2019) <sup>7</sup>	27.5%	23.8%
Youth Use of Electronic Cigarettes in Grades 8, 10, 12 (2019) <sup>7</sup>	13.2%	12.4%
Adult Experimentation with Electronic Cigarettes (2018) <sup>1</sup>	23.8%	18.4%
Adult Use of Electronic Cigarettes (2017-2018) <sup>1</sup>	4.2%	5.2%
Adult Use of Chewing Tobacco, Snuff, or Snus (2017-2018) <sup>1</sup>	7.4%	2.9%
<b>Secondhand Smoke Exposure</b>		
Adults Exposed to Secondhand Smoke Indoors or Outdoors in the Past Week (2018) <sup>1</sup>	37.1%	33.4%
<b>Quit Service Utilization</b>		
Number of New Multi-Call Quit Line Registrations (FY19) <sup>2</sup>	54	2,437
Number of Enrollments in Individual Quit Line Services (FY19) <sup>2</sup>	56	2,938
Number of Web-based Quit Service Enrollments (FY19) <sup>2</sup>	20	818
<b>Anti-tobacco Ad Recall</b>		
Anti-tobacco Ad Recall (TV) in the Past Month (2018) <sup>1</sup>	60.5%	62.2%
<b>Tobacco Retailer Compliance Check Results</b>		
Illegal Tobacco Sales to Minor During Checks, FY19	7.7%	6.4%

▲ TriCounty students' use of vape products increased by 257% from 2013 to 2019. Cigarette smoking and other tobacco use decreased.<sup>7</sup>





Ed Ho and Allison Foust, did a quick crosstab looking at the relationship in the 2019 SHARP data between 30-day MJ use and suicide/ideation. The relationships were really strong as expected. Of course, the warning about assuming the direction of causality has to be emphasized, but there is a clear correlation. See below...

If we look at all grades combined, we see that 15% of youth who did not use MJ in the past 30 days reported seriously considering suicide in the past year. That jumps to 40% of youth who reported past 30-day MJ use.

State of Utah Crosstab Percentages (SHARP 2019)

Grade: All		Used marijuana at least once in past 30 days		
Seriously considered suicide at least once in past year		No Use	Has Used	Total
	Has Considered	14.9	39.5	16.4
	No Consideration	85.1	60.5	83.6
	Total	100.0	100.0	100.0

If we look at suicide attempt, we see that same relationship.. 6% of non-30 day MJ users reported a suicide attempt in past year. That jumps to 21% for past 30 day users.

State of Utah Crosstab Percentages (SHARP 2019)

Grade: All		Used marijuana at least once in past 30 days		
Attempted suicide at least once in past year		No Use	Has Used	Total
	Made Attempt	5.9	21.1	6.9
	No Attempt	94.1	78.6	93.1
	Total	100.0	100.0	100.0

Utah.gov

Utah Department of Health (<https://health.utah.gov>)

Settings

(<http://www.utah.gov>)



# UTAH TOBACCO LAWS

(<https://utahtobaccolaws.org>)



# UTAH DEPARTMENT OF HEALTH

(<http://health.utah.gov/>)

Tobacco

Specialty

Taxation

Tobacco Sales (<https://utahtobaccolaws.org/tobacco-sales/>)

# Steps for Businesses to Sell Tobacco Products, Electronic Cigarette Products, or Nicotine Products

Utah law requires tobacco retailers to go through the following steps before the retailer can advertise, display or sell tobacco products, electronic cigarette products, and nicotine products. (Utah Code § 59-14-201 ([http://le.utah.gov/xcode/Title59/Chapter14/59-14-S201.html?v=C59-14-S201\\_1800010118000101](http://le.utah.gov/xcode/Title59/Chapter14/59-14-S201.html?v=C59-14-S201_1800010118000101)), § 59-14-301 ([https://le.utah.gov/xcode/Title59/Chapter14/59-14-S301.html?v=C59-14-S301\\_1800010118000101](https://le.utah.gov/xcode/Title59/Chapter14/59-14-S301.html?v=C59-14-S301_1800010118000101)), § 59-14-803 ([https://le.utah.gov/xcode/Title59/Chapter14/59-14-S803.html?v=C59-14-S803\\_2020051220200701](https://le.utah.gov/xcode/Title59/Chapter14/59-14-S803.html?v=C59-14-S803_2020051220200701)), § 26-62-201 ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S201.html?v=C26-62-S201\\_2020051220200701](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S201.html?v=C26-62-S201_2020051220200701))).

**Step 1. Go to the Utah Department of Commerce ([https://corporations.utah.gov/online\\_bus\\_reg.html](https://corporations.utah.gov/online_bus_reg.html)) to register the business.**

**Step 2. Obtain a tobacco license from the Utah State Tax Commission (<https://tax.utah.gov/tobacco>). Obtaining a bond may also be required.**

**Step 3. Obtain a tobacco permit from the local health department (<https://tobaccofreeutah.org/community/#locations>) where the business is located.**

**Step 4. Obtain a business license from the city and/or county licensing office (<https://corporations.utah.gov/pdf/buslicguide.pdf>) where the business is located.**

## FAQs:

There is a one-time permit fee of \$30 and a renewal fee of \$20 every two years. There is a \$30 fee for a reinstated permit that has been revoked, suspended, or allowed to expire (Utah Code § 26-62-203 ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S203.html?v=C26-62-S203\\_2018050820180701](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S203.html?v=C26-62-S203_2018050820180701))).

A license and permit are required for each separate place of business (Utah Code § 59-14-201 ([http://le.utah.gov/xcode/Title59/Chapter14/59-14-S201.html?v=C59-14-S201\\_1800010118000101](http://le.utah.gov/xcode/Title59/Chapter14/59-14-S201.html?v=C59-14-S201_1800010118000101)), § 59-14-301 ([https://le.utah.gov/xcode/Title59/Chapter14/59-14-S301.html?v=C59-14-S301\\_1800010118000101](https://le.utah.gov/xcode/Title59/Chapter14/59-14-S301.html?v=C59-14-S301_1800010118000101)), § 59-14-803 ([https://le.utah.gov/xcode/Title59/Chapter14/59-14-S803.html?v=C59-14-S803\\_2020051220200701](https://le.utah.gov/xcode/Title59/Chapter14/59-14-S803.html?v=C59-14-S803_2020051220200701)), § 26-62-201 ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S201.html?v=C26-62-S201\\_2020051220200701](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S201.html?v=C26-62-S201_2020051220200701))).

Retailers are required to notify the Utah State Tax Commission within 30 days in the event that the business location changes (Utah Code § 59-14-202 (<http://le.utah.gov/xcode/Title59/Chapter14/59-14-S202.html>)).

Permits are nontransferable. Retailers are required to notify their local health department within 15 days if information on their permit application changes (Utah Code § 26-62-204 (<https://le.utah.gov/xcode/Title26/Chapter62/26-62-S204.html>)).

Tobacco product, electronic cigarette product, or nicotine product sales to individuals younger than 21 may result in the suspension or revocation of the tobacco permit (Utah Code § 26-62-305 ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S305.html?v=C26-62-S305\\_2018050820180701](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S305.html?v=C26-62-S305_2018050820180701))).

Please contact the Utah State Tax Commission for taxation and bonding questions: <http://tax.utah.gov/tobacco> (<http://tax.utah.gov/tobacco>) or [tax.utah.gov](http://tax.utah.gov) (<http://tax.utah.gov>), or call their General Questions and Taxpayer Services at (801) 297-2200 or their Technical Research Unit at (801) 297-7705.

Visit the Business Licensing & Registration Guide (<https://corporations.utah.gov/pdf/buslicguide.pdf>) by State of Utah Department of Commerce Division of Corporations & Commercial Code.

Products containing cannabidiol (CBD), including CBD e-liquid pods and prefilled CBD electronic cigarettes, sold at tobacco retailers must be registered with the Utah Department of Agriculture and Food's Utah Industrial Hemp Program (<https://ag.utah.gov/office-of-the-commissioner/industrialhempprogram/>). In addition, all retail establishments that market and/or sell industrial hemp products must apply for and maintain a hemp retail permit with the Utah Department of Agriculture and Food (UDAF) (<https://ag.utah.gov/>). Click on this flyer (<https://utahtobaccolaws.org/wp-content/uploads/Utah-Industrial-Program-Flyer-2020.pdf>) for more details or call (801) 982-2375 for questions.

To read the law regarding tobacco licensing, go to Utah Code § 59-14. (<http://le.utah.gov/xcode/Title59/Chapter14/59-14.html>).

To read the law regarding tobacco retail permitting, go to Utah Code § 26-62 (<https://le.utah.gov/xcode/Title26/Chapter62/26-62.html>) and Utah Administrative Rule R384-324. (<https://utahtobaccolaws.org/wp-content/uploads/R384-324.pdf>).

For the definitions of tobacco products, electronic cigarette products, and nicotine products, please go to Utah Code § 76-10-101 ([https://le.utah.gov/xcode/Title76/Chapter10/76-10-S101.html?v=C76-10-S101\\_2020051220200701](https://le.utah.gov/xcode/Title76/Chapter10/76-10-S101.html?v=C76-10-S101_2020051220200701)).



# Criminal and Civil Penalties:

If a retail owner or an employee is convicted of selling a tobacco product, an electronic cigarette product, or a nicotine product to an individual younger than 21, or violating Utah Code § 76-10-114 ([https://le.utah.gov/xcode/Title76/Chapter10/76-10-S114.html?v=C76-10-S114\\_2020051220200701](https://le.utah.gov/xcode/Title76/Chapter10/76-10-S114.html?v=C76-10-S114_2020051220200701)), the local health department shall also impose a civil penalty on the tobacco retailer. Civil penalties may also be imposed on a tobacco retailer for violating the terms of a tobacco, electronic cigarette, and nicotine product retail permit. This guide has more information about the specific penalties ([https://utahtobaccolaws.org/wp-content/uploads/UDOH\\_Retail-Penalties\\_May-2021.pdf](https://utahtobaccolaws.org/wp-content/uploads/UDOH_Retail-Penalties_May-2021.pdf)).

Refer to Utah Code § 26-62-301 ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S301.html?v=C26-62-S301\\_2020051220200701](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S301.html?v=C26-62-S301_2020051220200701)), § 26-62-304 (<https://le.utah.gov/xcode/Title26/Chapter62/26-62-S304.html>), § 26-62-305 ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S305.html?v=C26-62-S305\\_2021050520210505](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S305.html?v=C26-62-S305_2021050520210505)), and § 76-10-114 ([https://le.utah.gov/xcode/Title76/Chapter10/76-10-S114.html?v=C76-10-S114\\_2020051220200701](https://le.utah.gov/xcode/Title76/Chapter10/76-10-S114.html?v=C76-10-S114_2020051220200701)).

Civil monetary penalties can be reduced if the tobacco retailer has proof of a documented employee training program and evidence that the employee was trained. Refer to Utah Code § 26-62-306 ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S306.html?v=C26-62-S306\\_2021050520210505](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S306.html?v=C26-62-S306_2021050520210505)) for more information. The Utah Tobacco Retailer Guide and training (<https://utahtobaccolaws.org/training/>) is an approved employee training program.

## Retail Tobacco Specialty Business Permit

A retailer will be required to get a retail tobacco specialty business permit if at least one of these factors is true:

- The sales of tobacco products, electronic cigarette products and nicotine products account for more than 35% of the total quarterly gross receipts for the establishment;
- 20% or more of the public retail floor space is allocated to the offer, display, or storage of tobacco products;
- 20% or more of the total shelf space is allocated to the offer, display, or storage of tobacco products;
- the commercial establishment:
  - holds itself out as a retail tobacco specialty business; and
  - causes a reasonable person to believe the commercial establishment is a retail tobacco specialty business;
- any flavored electronic cigarette product is sold; or



- the retail space features a self-service display for tobacco products, electronic cigarette products, or nicotine products (Utah Code § 10-8.41.6 ([https://le.utah.gov/xcode/Title10/Chapter8/10-8-S41.6.html?v=C10-8-S41.6\\_2020051220200701](https://le.utah.gov/xcode/Title10/Chapter8/10-8-S41.6.html?v=C10-8-S41.6_2020051220200701)), § 17-50-333 ([https://le.utah.gov/xcode/Title17/Chapter50/17-50-S333.html?v=C17-50-S333\\_2020051220200701](https://le.utah.gov/xcode/Title17/Chapter50/17-50-S333.html?v=C17-50-S333_2020051220200701))).

There is a one-time permit fee of \$30 and a yearly renewal fee of \$20. There is a \$30 fee for a reinstated permit that has been revoked, suspended, or allowed to expire (Utah Code § 26-62-203 ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S203.html?v=C26-62-S203\\_2018050820180701](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S203.html?v=C26-62-S203_2018050820180701))).

In addition, per Utah Administrative Rule R384-324-3 (<https://utahtobaccolaws.org/wp-content/uploads/R384-324.pdf>), all retail tobacco specialty businesses must pay a one-time \$250 plan review fee. The \$250 plan review fee can be charged by the local health departments every time there is a change in ownership of a retail tobacco specialty business, therefore requiring a new permit application. For more details contact the local health department (<https://tobaccofreeutah.org/community/#locations>).

Retail tobacco specialty businesses are subject to the following additional requirements:

1. Proximity – To be permitted as a retail tobacco specialty business, the business may not be located within:

- 1,000 feet of a community location\*; or 1,000 feet of a public or private k-12 school; or
- 600 feet of another retail tobacco specialty business; or
- 600 feet of property used or zoned for agricultural or residential use.

\*Community location includes any: public or private K-12 school, licensed child-care or preschool, trade or technical school, church, public library, public playground, public park, youth center or other place used primarily for youth-oriented activities, public recreational facility, public arcade, or homeless shelter (Utah Code § 10-8.41.6(1)(a) ([https://le.utah.gov/xcode/Title10/Chapter8/10-8-S41.6.html?v=C10-8-S41.6\\_2020051220200701](https://le.utah.gov/xcode/Title10/Chapter8/10-8-S41.6.html?v=C10-8-S41.6_2020051220200701)), § 17-50-333(1)(a) ([https://le.utah.gov/xcode/Title17/Chapter50/17-50-S333.html?v=C17-50-S333\\_2020051220200701](https://le.utah.gov/xcode/Title17/Chapter50/17-50-S333.html?v=C17-50-S333_2020051220200701))).

\*Beginning July 1, 2022, a retail tobacco specialty business that has a business license and is operating in a city or county may not be located within 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or high school, even if the business had “grandfather status” prior (Utah Code § 10-8.41.6(7) ([https://le.utah.gov/xcode/Title10/Chapter8/10-8-S41.6.html?v=C10-8-S41.6\\_2020051220200701](https://le.utah.gov/xcode/Title10/Chapter8/10-8-S41.6.html?v=C10-8-S41.6_2020051220200701)), § 17-50-333(7) ([https://le.utah.gov/xcode/Title17/Chapter50/17-50-S333.html?v=C17-50-S333\\_2020051220200701](https://le.utah.gov/xcode/Title17/Chapter50/17-50-S333.html?v=C17-50-S333_2020051220200701))). Contact the local health department for questions.

2. Pay a one-time \$250.00 plan review fee.

3. Prominently display a sign on the public entrance of the retail tobacco specialty business that communicates individuals younger than 21 may not enter or be present at the tobacco specialty businesses (e.g., must be 21 or older to enter) and that the sale of tobacco products and electronic

cigarette products to individuals younger than 21 is prohibited (Utah Code § 26-62-205 ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S205.html?v=C26-62-S205\\_2020051220200701](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S205.html?v=C26-62-S205_2020051220200701)), § 76-10-105.1(4) ([https://le.utah.gov/xcode/Title76/Chapter10/76-10-S105.1.html?v=C76-10-S105.1\\_2020051220200701](https://le.utah.gov/xcode/Title76/Chapter10/76-10-S105.1.html?v=C76-10-S105.1_2020051220200701))).

4. Verification of Proof of Age. As of July 1, 2020 all retail tobacco specialty businesses are required to electronically verify the I.D. of all individuals that enter the premises and purchases tobacco products, electronic cigarette products, and nicotine products (Utah Code § 26-62-205(1) ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S205.html?v=C26-62-S205\\_2020051220200701](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S205.html?v=C26-62-S205_2020051220200701)), § 26-62-401 ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S401.html?v=C26-62-S401\\_2020051220200701](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S401.html?v=C26-62-S401_2020051220200701))).

5. May not employ an individual under 21 years old; or permit an employee under 21 years old to sell a tobacco product, an electronic cigarette product, or a nicotine product (Utah Code § 26-62-205(2) ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S205.html?v=C26-62-S205\\_2020051220200701](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S205.html?v=C26-62-S205_2020051220200701))).

The following include more information about what is required for retail tobacco specialty businesses:

Utah Code § 10-8-41.6 Regulation of retail tobacco specialty business.  
([https://le.utah.gov/xcode/Title10/Chapter8/10-8-S41.6.html?v=C10-8-S41.6\\_2020051220200701](https://le.utah.gov/xcode/Title10/Chapter8/10-8-S41.6.html?v=C10-8-S41.6_2020051220200701)).

Utah Code § 17-50-333 Regulation of retail tobacco specialty business.  
([https://le.utah.gov/xcode/Title17/Chapter50/17-50-S333.html?v=C17-50-S333\\_2020051220200701](https://le.utah.gov/xcode/Title17/Chapter50/17-50-S333.html?v=C17-50-S333_2020051220200701)).

Utah Code § 26-62 Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit.  
(<https://le.utah.gov/xcode/Title26/Chapter62/26-62.html>).

Utah Administrative Rule R384-324 – Tobacco Retailer Permit (<https://utahtobaccolaws.org/wp-content/uploads/R384-324.pdf>).

## Taxation

Effective July 1, 2020, a new excise tax will be enacted on electronic cigarette substances and prefilled electronic cigarettes. If a tobacco retailer sells these products, the business may also need to comply with new bonding requirements (Utah Code § 59-14-803 ([https://le.utah.gov/xcode/Title59/Chapter14/59-14-S803.html?v=C59-14-S803\\_2020051220200701](https://le.utah.gov/xcode/Title59/Chapter14/59-14-S803.html?v=C59-14-S803_2020051220200701)), § 59-14-804 ([https://le.utah.gov/xcode/Title59/Chapter14/59-14-S804.html?v=C59-14-S804\\_2020051220200701](https://le.utah.gov/xcode/Title59/Chapter14/59-14-S804.html?v=C59-14-S804_2020051220200701))).

Please contact the Utah State Tax Commission for taxation and bonding questions: <http://tax.utah.gov/tobacco> (<http://tax.utah.gov/tobacco>) or [tax.utah.gov](http://tax.utah.gov) (<http://tax.utah.gov>), or call their General Questions and Taxpayer Services at (801) 297-2200 or their Technical Research Unit at (801) 297-7705.

To read the law regarding tobacco licensing and taxation, go to Utah Code § 59-14 (<http://le.utah.gov/xcode/Title59/Chapter14/59-14.html>).

# Inspections

Per Utah Code § 26-62-303 ([https://le.utah.gov/xcode/Title26/Chapter62/26-62-S303.html?v=C26-62-S303\\_2018050820180701](https://le.utah.gov/xcode/Title26/Chapter62/26-62-S303.html?v=C26-62-S303_2018050820180701)), a local health department may inspect a tobacco retailer to determine whether the tobacco retailer:

1. continues to meet the qualifications for the tobacco permit issued under Utah Code § 26-62 Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit (<https://le.utah.gov/xcode/Title26/Chapter62/26-62.html>);
2. continues to meet the requirements for a retail tobacco specialty business license issued under Utah Code § 10-8-41.6 Regulation of retail tobacco specialty business ([https://le.utah.gov/xcode/Title10/Chapter8/10-8-S41.6.html?v=C10-8-S41.6\\_2020051220200701](https://le.utah.gov/xcode/Title10/Chapter8/10-8-S41.6.html?v=C10-8-S41.6_2020051220200701)) or Utah Code § 17-50-333 Regulation of retail tobacco specialty business ([https://le.utah.gov/xcode/Title17/Chapter50/17-50-S333.html?v=C17-50-S333\\_2020051220200701](https://le.utah.gov/xcode/Title17/Chapter50/17-50-S333.html?v=C17-50-S333_2020051220200701));
3. engaged in a pattern of unlawful activity under Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act ([https://le.utah.gov/xcode/Title76/Chapter10/76-10-P16.html?v=C76-10-P16\\_1800010118000101](https://le.utah.gov/xcode/Title76/Chapter10/76-10-P16.html?v=C76-10-P16_1800010118000101));
4. violated any of the regulations restricting the sale and distribution of cigarettes and smokeless tobacco issued by the United States Food and Drug Administration under 21 C.F.R. Part 1140; or
5. has violated any other provision of state law or local ordinance.

Inspections will be carried out in a similar way to other health laws – through complaints and annual inspections.

Local health department staff does an annual inspection, inspection due to a previous warning or violation, or does an additional inspection due to a complaint from the public. During the inspection if the local health department staff identifies a violation, the local health department may provide a warning or violation to the retailer to fix the problem.

If you have questions, please contact your local health department (<https://tobaccofreeutah.org/community/#locations>).

TOBACCO SALES ([HTTPS://UTAHTOBACCOLAWS.ORG/TOBACCO-SALES](https://utahtobaccolaws.org/tobacco-sales))

Underage Sales (<https://utahtobaccolaws.org/tobacco-sales/#underage>)

Clove Cigarettes (<https://utahtobaccolaws.org/tobacco-sales/#clove>)

In-Person Sales (<https://utahtobaccolaws.org/tobacco-sales/#laws>)

E-cigarette Sales (<https://utahtobaccolaws.org/tobacco-sales/#e-cigarette>)

Ordinances (<https://utahtobaccolaws.org/tobacco-sales/#ordinances>)

LICENSING & PERMITTING ([HTTPS://UTAHTOBACCOLAWS.ORG/LICENSING](https://utahtobaccolaws.org/licensing))

[Tobacco \(https://utahtobaccolaws.org/licensing/#tobacco\)](https://utahtobaccolaws.org/licensing/#tobacco)

[Specialty \(/licensing/#specialty/\)](https://utahtobaccolaws.org/licensing/#specialty/)

[Taxation \(https://utahtobaccolaws.org/licensing/#taxation\)](https://utahtobaccolaws.org/licensing/#taxation)

[INDOOR CLEAN AIR \(HTTPS://UTAHTOBACCOLAWS.ORG/INDOOR-CLEAN-AIR\)](https://utahtobaccolaws.org/indoor-clean-air)

[UICAA \(https://utahtobaccolaws.org/indoor-clean-air\)](https://utahtobaccolaws.org/indoor-clean-air)

[DISPLAY \(HTTPS://UTAHTOBACCOLAWS.ORG/DISPLAY\)](https://utahtobaccolaws.org/display)

[Advertising \(https://utahtobaccolaws.org/display/#advertising\)](https://utahtobaccolaws.org/display/#advertising)

[Product Placement \(https://utahtobaccolaws.org/display/#product\)](https://utahtobaccolaws.org/display/#product)

[Gifts of Tobacco Products \(https://utahtobaccolaws.org/display/#gifts\)](https://utahtobaccolaws.org/display/#gifts)

[TRAINING \(HTTPS://UTAHTOBACCOLAWS.ORG/TRAINING\)](https://utahtobaccolaws.org/training)

[Retailer Guide \(https://utahtobaccolaws.org/training/#guide\)](https://utahtobaccolaws.org/training/#guide)

[Quiz \(https://utahtobaccolaws.org/training/#quiz\)](https://utahtobaccolaws.org/training/#quiz)

[Proof of Training \(https://utahtobaccolaws.org/trainin/#proof\)](https://utahtobaccolaws.org/trainin/#proof)

[ABOUT \(HTTPS://UTAHTOBACCOLAWS.ORG/ABOUT-US\)](https://utahtobaccolaws.org/about-us)

[Purpose \(https://utahtobaccolaws.org/about-us/#stats\)](https://utahtobaccolaws.org/about-us/#stats)

[Way to Quit \(https://utahtobaccolaws.org/about-us/#way\)](https://utahtobaccolaws.org/about-us/#way)

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## **CHAPTER 12**

### **TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA**

#### **SECTION:**

**5.12.101: Applicability; Sale Of Tobacco Products And Tobacco Paraphernalia Restricted**

**5.12.102: Definitions**

**5.12.103: Tobacco Sales Business License Required**

**5.12.104: Retail Tobacco Specialty Business Not Permitted**

**5.12.105: Revocation Of A Tobacco Sales Business License**

**5.12.106: Penalty**

#### **5.12.101: APPLICABILITY; SALE OF TOBACCO PRODUCTS AND TOBACCO PARAPHERNALIA RESTRICTED:**

No individual, entity or organization shall:

- (1) Conduct or operate a retail tobacco specialty business; or
- (2) Sell, furnish, or otherwise distribute a "tobacco product" as defined in this chapter and section 10-8-41.6 of the Utah code, unless it satisfies the requirements set forth in this chapter. (Ord. 2013-05, 2013)

#### **5.12.102: DEFINITIONS:**

**RETAIL TOBACCO SPECIALTY BUSINESS:** As used herein, this term/phrase shall have the same definition as set forth in section 10-8-41.6(1)(b) of the Utah code.

**TOBACCO PARAPHERNALIA:** As used herein, this term/phrase shall have the same definition as set forth in section 76-10-104.1(1)(b) of the Utah code.

**TOBACCO PRODUCT:** As used herein, this term/phrase shall have the same definition as set forth in section 10-8-41.6(1)(c) of the Utah code.

**TOBACCO SALES BUSINESS LICENSE:** A business license issued by Ivins City which permits the licensee to sell tobacco products and tobacco paraphernalia from its validly licensed business. (Ord. 2013-05, 2013)

#### **5.12.103: TOBACCO SALES BUSINESS LICENSE REQUIRED:**

(1) Tobacco Products And Tobacco Paraphernalia: No individual, entity, organization, or business shall sell tobacco products or tobacco paraphernalia unless it has obtained a tobacco sales business license. A tobacco sales business license shall only be issued as a secondary license to a business license for one of the following:

- (a) A business that is primarily engaged in the sale of food and beverage products and is located in a building which is ten thousand (10,000) square feet or larger;
- (b) A business that is primarily engaged in the sale of gasoline or diesel fuel and is located in a building which is two thousand (2,000) square feet or larger;
- (c) An on premises alcoholic beverage sales license;
- (d) A business license for a pharmacy under Utah code and is located in a building which is ten thousand (10,000) square feet or larger; or

(e) A business license for any business that was lawfully selling tobacco products and tobacco paraphernalia under that license prior to May 3, 2012.

**(2) Application For License:**

(a) An application for a license shall be made in writing on the form provided by the licensing officer. The form must be completed in its entirety. The application must be accompanied by:

- (i) The business license required in this chapter;
- (ii) Documentation showing the square footage of the building;
- (iii) Proof of the operation of a business specified in subsection (1)(a) or (1)(b) of this section, if the application is to qualify as such a business; and
- (iv) If seeking to qualify under subsection (1)(e) of this section, proof of the lawful sales of tobacco products and tobacco paraphernalia prior to May 3, 2012, and the percentage of tobacco products and tobacco paraphernalia sold as compared to the total annual gross receipts for the business. (Ord. 2013-05, 2013)

**5.12.104: RETAIL TOBACCO SPECIALTY BUSINESS NOT PERMITTED:**

The operation of a retail tobacco specialty business is prohibited. (Ord. 2013-05, 2013)

**5.12.105: REVOCATION OF A TOBACCO SALES BUSINESS LICENSE:**

(1) The city may suspend, revoke, or terminate the business license of a business which is operating as a tobacco sales business if:

- (a) The licensee, owner, or operator:
  - (i) Engages in a pattern of unlawful activity as outlined in Utah code 76-10-1601 et seq., or its amendment; or
  - (ii) Violates any alcohol or drug related offenses, regulations restricting the sale and distribution of tobacco products or tobacco paraphernalia, or any felony offenses under any provision of federal, state, or local law.
- (b) While on the business premises, an employee violates:
  - (i) Any laws or regulations related to alcohol or controlled substances;
  - (ii) Any laws or regulations restricting the sale and distribution of tobacco products or tobacco paraphernalia; or
  - (iii) Any provision of federal, state, or local law which would be a felony level offense.
- (c) The tobacco sales business does not maintain the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and the business license.

(2) In addition to the provisions outlined in subsection (1) of this section, a business licensed hereunder may have their tobacco sales business license permanently revoked if:

- (a) The tobacco sales business license is not renewed continuously without relapse or revocation;



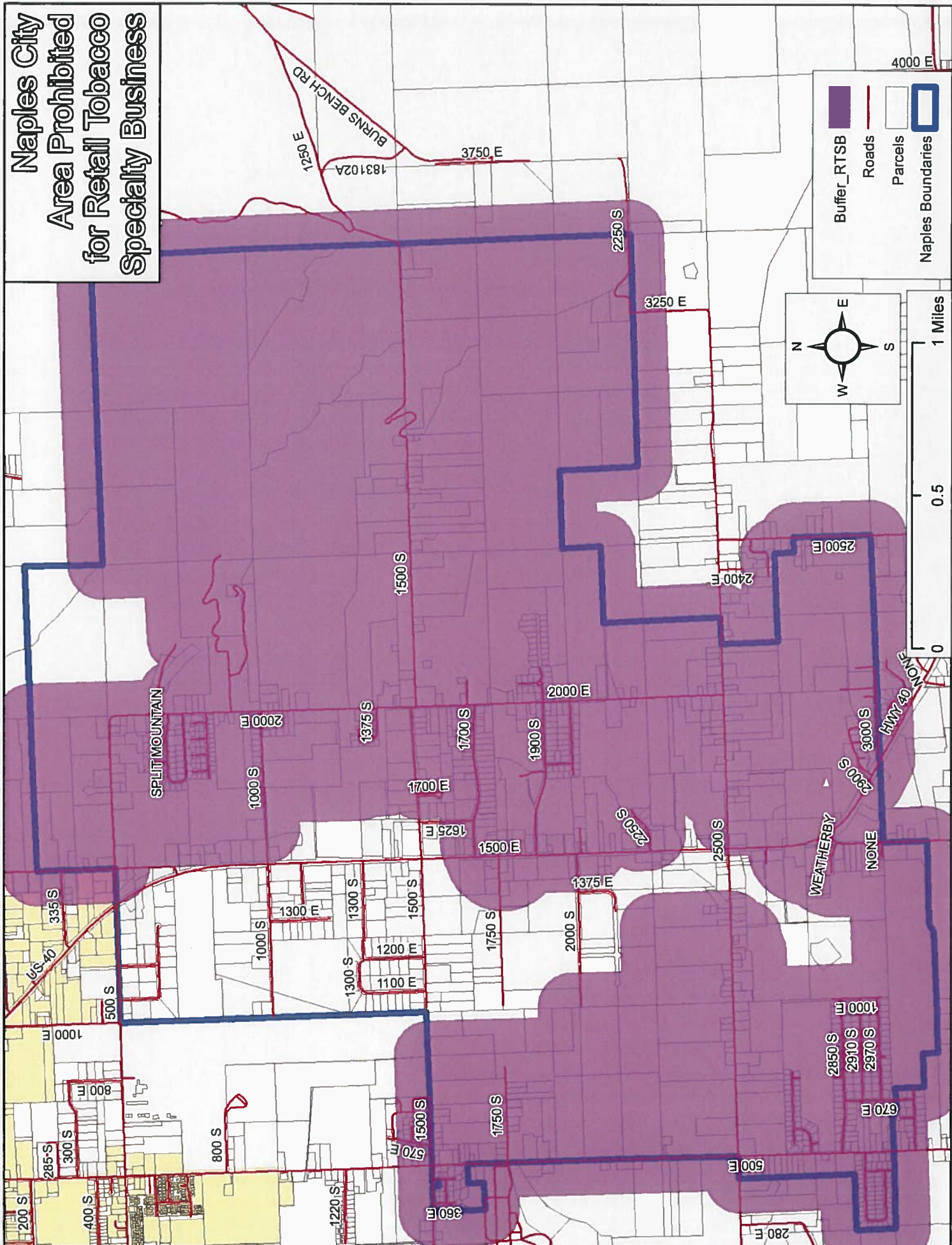
(b) The tobacco sales business is closed for business or otherwise suspends the sale of tobacco products or tobacco paraphernalia for more than sixty (60) consecutive days; or

(c) The tobacco sales business substantially changes the business premises or its business operation. (Ord. 2013-05, 2013)

**5.12.106: PENALTY:**

Any violation of this chapter is a class B misdemeanor and punishable by a fine of one thousand dollars (\$1,000.00), not including any mandatory fees and surcharges imposed by law or a court of competent jurisdiction. (Ord. 2013-05, 2013)

# Naples City Area Prohibited for Retail Tobacco Specialty Business





# Naples Self Storage Development

James Richards

Adam Richards

Requesting:

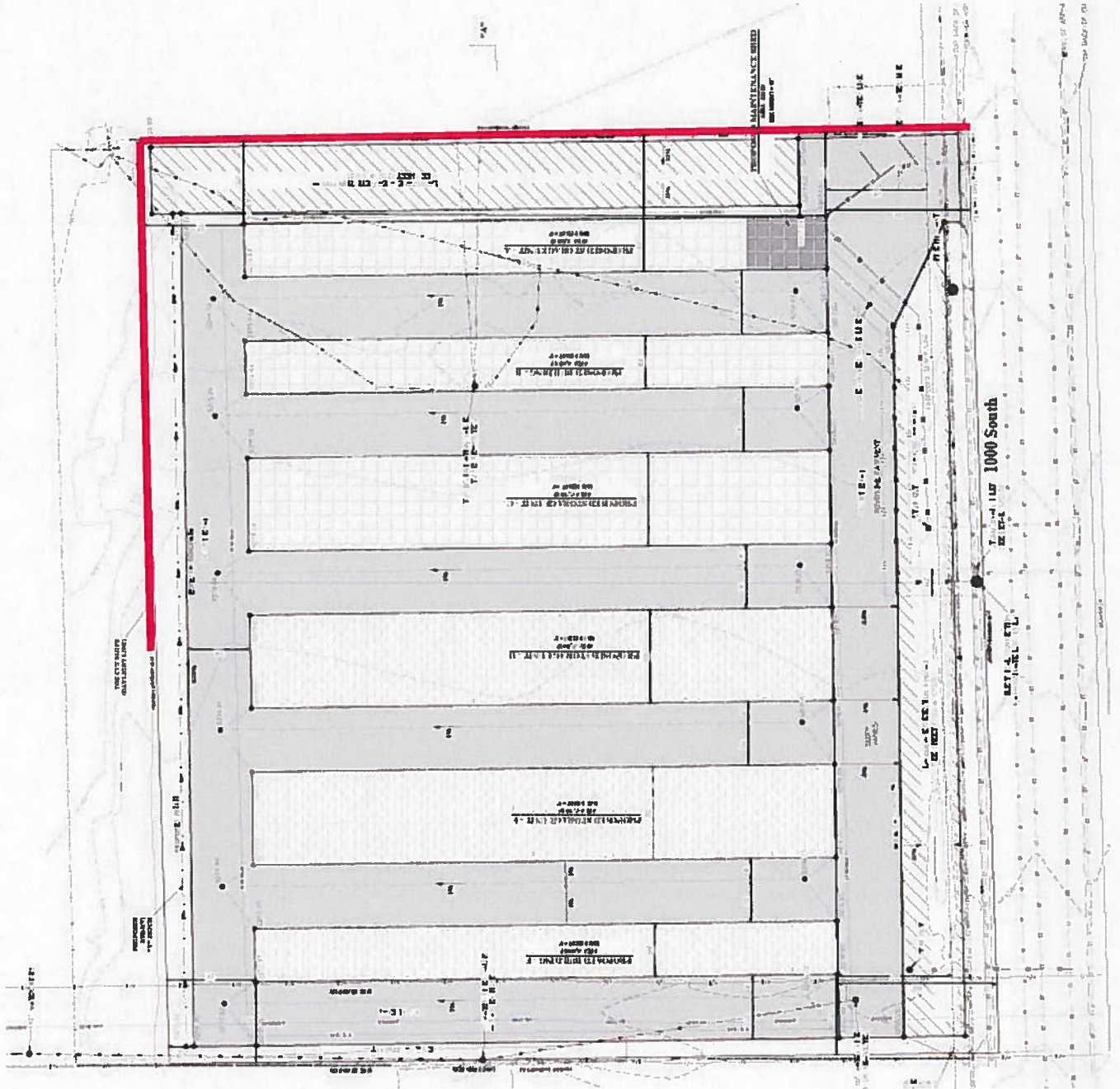
1. Deferral of privacy fence installation
2. Fence along 1000 S. to be 12 feet from property line

# Illustration of Future Site





# Required Privacy Fence – Industrial 02-28-005





# Privacy Fence – Propose Deferred Installation

**Industrial 02-28-005: “Where the Planning Commission makes a finding that such a fence is not necessary, or in the best interest of the public, the Planning Commission may alter or waive the fence requirement.”**

- 1) Currently no residential within about  $\frac{1}{4}$  mile. Propose to install fence when residential construction approaches the site on the east, as determined by Naples City.
- 2) Working to purchase land to the north. Propose to install fence if this does not happen, or when residential approaches from the north, again, as determined by Naples City.

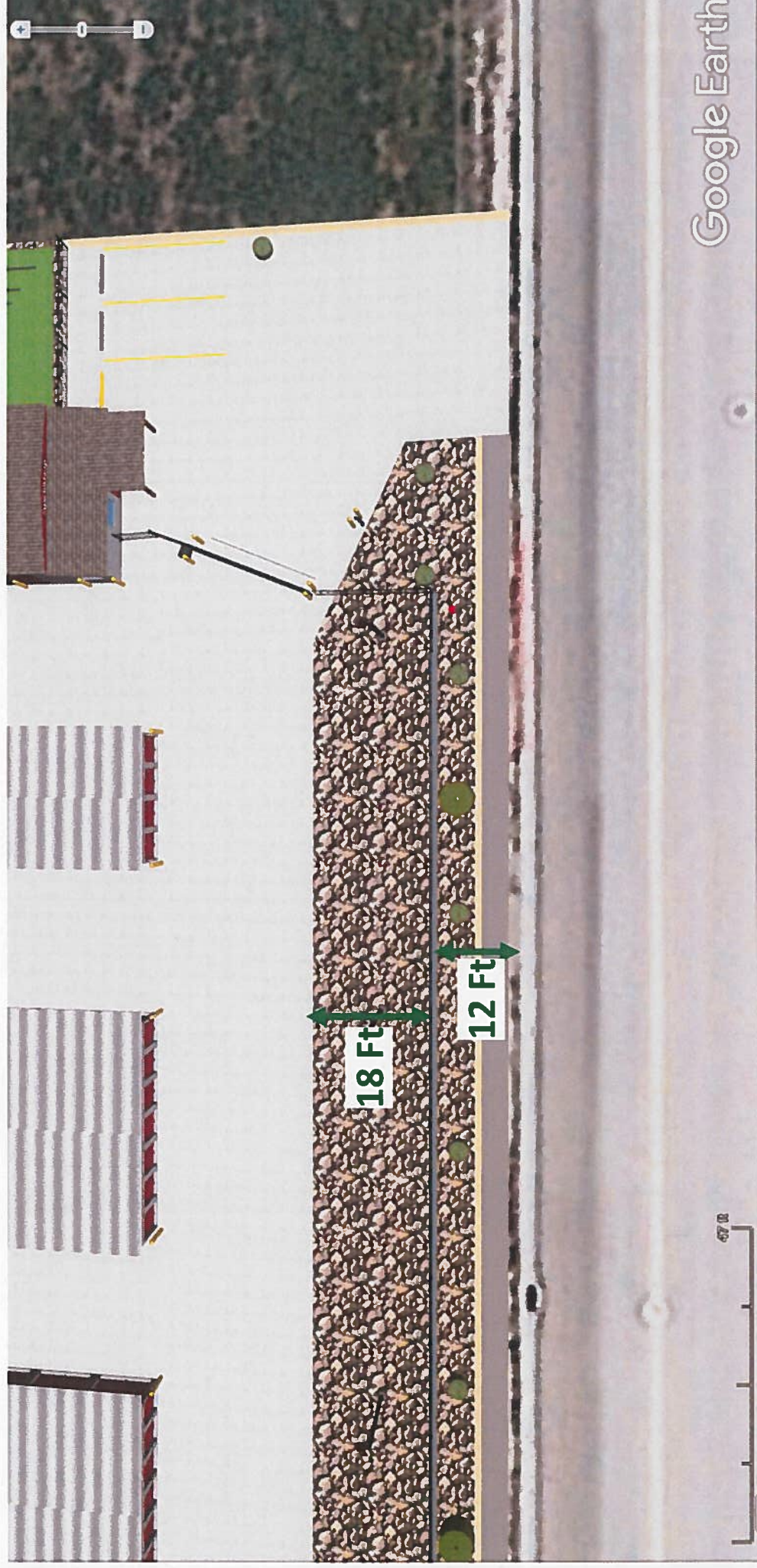




# Street Frontage Fence – Request alternate location

Requesting that the decorative fence along 1000 South be permitted to be installed 12 feet or more from the south property boundary, approximately the back of the curb.

- 1) Allows space for a future sidewalk, street trees and landscaping shrubs.
- 2) Allows space inside the fence to store snow during winter months, which is occasionally a critical issue for this type of facility.



# NAPLES SELF STORAGE

James Richards and Adam Richards  
2225 South 3250 East  
Naples, Utah 84078

Cell Phone: 435.828.7710

10 March 2022

RE: Meeting with NAPLES CITY COUNSEL

Gentlemen:

1a. Requesting that the PRIVACY FENCE, required by Industrial Zone Code, be DEFERRED until Naples City determines that Residential Development moves close enough to NAPLES SELF STORAGE to warrant the NEED for the Privacy Fence.

1b. Currently the closest Residential Neighbor is approximately 1/4 Mile to the East.

1c. The Cost of the Fence will be near \$9,000.00. This is hard for our START UP efforts.

ACTION:

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2a. Request that the Surface Water RETENTION POND be made into a Drought Resistant PASTURE GRASS "**GREEN SPACE**," rather than a Cobble Rock lined Pond.

2b. The Grass can be WATERED with our Pipeline Irrigation System OR the Cullinary City Water Sprinkler System.

2c. The Green Grass can be MOWED and look nice, similar to the Walking Park east of Iron Wood Residential Subdivision. (Most Graveled Retention Ponds become an **unsightly WEED POND**)

ACTION:

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3a. The Office and Maintenance Building will be STUCCO Finished on the South Facing **Road Side**, AND the **East and West Sides**. The North Side, will butt up against the East Row of Storage Units.

3b. The majority of the road Facing SOUTH SIDE of the Storage Buildings is "Roll Up" DOORS.

3c. "Roll Up" Doors CAN NOT be Stuccoed.

3d. As Approved by the Planning and Zoning Commission, we request that Naples City Counsel APPROVE that the **Road Facing Storage Units** NOT be required to be Stuccoed.

ACTION:

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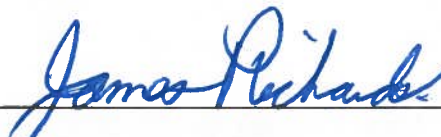
4a. Placement of the Road facing SECURITY FENCE. (City Manager has suggested a 20' Setback.)

4b. Request that Naples City Counsel APPROVE the **12 foot Setback** from our South Property Line, along the Back of the Curb, as Approved by the Planning and Zoning Commission.

4c. See MAP and the two reasons we are making this Request.

ACTION:

Thank You, James Richards,



10 March 2022.

# NAPLES CITY

## 2022 CONSOLIDATED LOCAL CAPITAL IMPROVEMENT LIST 1 YEAR

Applicant Priority	County Area Priority	Entity	Project Description	Estimated Total Cost	Revenue Sources/Shares		CIB Request		
1	H	Naples City	Asphalt Management Project	\$1,000,000.00	N/A	\$0.00	GRANT	\$750,000.00	LOAN \$250,000.00
2	H	Naples City	Public Works Equipment	\$600,000.00	N/A	\$0.00	GRANT	\$300,000.00	LOAN \$300,000.00
4	H	Naples City	Street Lights	\$100,000.00	N/A	\$0.00	GRANT	\$75,000.00	LOAN \$25,000.00
5	H	Naples City	Street Improvements	\$1,000,000.00	N/A	\$0.00	GRANT	\$750,000.00	LOAN \$250,000.00



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SHORT TERM 2021										
Applicant Priority	County Area Priority	Entity	Project Description	Estimated Total Cost	Revenue Sources/Shares		CIB Request			CIB Submission Date
1	H	Ashley Valley Water & Sewer ID	Power, fiber, security and measuring at spring	\$700,000	N/A	\$100,000	GRANT	\$400,000	LOAN	\$200,000 Jun-21 -
2	H	Ashley Valley Water & Sewer ID	Sewer Vac Truck	\$550,000	N/A	\$50,000	GRANT	\$250,000	LOAN	\$250,000.00 Oct-21 -
3	H	Ashley Valley Water & Sewer ID	Loop line improvements Chocolate Rock to 500 South	\$3,600,000	N/A	\$0.00	GRANT	\$1,800,000	LOAN	\$1,800,000.00 Feb-22 -
4	H	Ashley Valley Water & Sewer ID	Water System Improvements	\$1,000,000	N/A	\$0.00	GRANT	\$500,000	LOAN	\$500,000.00 Oct-21 -
5	H	Ashley Valley Water & Sewer ID	Sewer System Improvements	\$1,500,000.00	N/A	\$0.00	GRANT	\$750,000.00	LOAN	\$750,000.00 Feb-21 -
6	H	Ashley Valley Water & Sewer ID	Sewer Hydraulic Model and Master Plan Update	\$150,000.00	N/A	\$45,000.00	GRANT	\$105,000.00	LOAN	\$0.00 Oct-21 -
1	H	Ballard City	Flood Mitigation Project	\$150,000.00	N/A	\$0.00	GRANT	\$150,000.00	LOAN	\$0.00 Feb-21 -
2	H	Ballard City	Street Improvements	\$1,000,000.00	N/A	\$0.00	GRANT	\$1,000,000.00	LOAN	\$0.00 Feb-21 -
3	H	Ballard City	Land Acquisition	\$100,000.00	N/A	\$0.00	GRANT	\$50,000.00	LOAN	\$50,000.00 Feb-21 -
4	H	Ballard City	Storm Drain Improvements	\$1,000,000.00	N/A	\$0.00	GRANT	\$1,000,000.00	LOAN	\$0.00 Feb-21 -
1	H	Ballard Water Improvement District	Secondary Water Source	\$1,000,000.00	N/A	\$0.00	GRANT	\$1,000,000.00	LOAN	\$0.00 Feb-21 -
2	H	Ballard Water Improvement District	Water Master Plan	\$50,000.00	Ballard City	\$25,000.00	GRANT	\$25,000.00	LOAN	\$0.00 Jun-21 -
3	H	Ballard Water Improvement District	2 Mile Water Pipeline	\$2,000,000.00	N/A	\$0.00	GRANT	\$2,000,000.00	LOAN	\$0.00 Oct-21 -



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Applicant Priority	County Area Priority	Entity	Project Description	Estimated Total Cost	Revenue Sources/Shares		CIB Request			CIB Submission Date	
4	H	Ballard Water Improvement District	1 Mile Sewer Pipeline	\$1,000,000.00	N/A	\$0.00	GRANT	\$1,000,000.00	LOAN	\$0.00	Oct-21 -
5	H	Ballard Water Improvement District	Fire Hydrant Project	\$200,000.00	N/A	\$0.00	GRANT	\$200,000.00	LOAN	\$0.00	Oct-21 -
1	H	Jensen Water Improvement District	Water System Upgrade	\$500,000.00	N/A	\$0.00	GRANT	\$350,000.00	LOAN	\$150,000.00	Jun-21 -
2	H	Jensen Water Improvement District	Water System Improvements	\$800,000.00	N/A	\$0.00	GRANT	\$560,000.00	LOAN	\$240,000.00	Jun-21 -
1	H	Maeser Water Improv. Dist	Water System Improvements	\$1,000,000.00	N/A	\$0.00	GRANT	\$500,000.00	LOAN	\$500,000.00	Jun-21 -
2	H	Maeser Water Improv. Dist	Secondary Water System Phase 1	\$500,000.00	N/A	\$0.00	GRANT	\$250,000.00	LOAN	\$250,000.00	Oct-21 -
3	H	Maeser Water Improv. Dist	Sewer System Improvements	\$450,000.00	N/A	\$0.00	GRANT	\$225,000.00	LOAN	\$225,000.00	Feb-22 -
1	H	Naples City	Weatherby Drive Extension	\$1,000,000.00	N/A	\$0.00	GRANT	\$750,000.00	LOAN	\$250,000.00	Oct-21 -
2	H	Naples City	Asphalt Management Project	\$1,000,000.00	Naples City	\$100,000.00	GRANT	\$800,000.00	LOAN	\$100,000.00	Jun-21 -
3	H	Naples City	Public Works Maintenance Equipment	\$400,000.00	N/A	\$0.00	GRANT	\$300,000.00	LOAN	\$100,000.00	Feb-22 -
1	H	Ouray Park Water Improvement	Water Master Plan	\$90,000.00	OPWID	\$45,000.00	GRANT	\$45,000.00	LOAN	\$0.00	Jun-21 -
1	H	SCIC	Natural Gas Planning	\$100,000.00	Federal, CIB, Private, Local	\$0.00	GRANT	\$150,000.00	LOAN	\$0.00	Jun-21 -
2	H	SCIC	Leland Bench Utilities (Water)	\$9,000,000.00	Federal, CIB, Private, Local	\$0.00	GRANT	\$9,000,000.00	LOAN	\$0.00	Oct-21 -
3	H	SCIC	Leland Bench/Bonanza Region Natural Gas	\$30,000,000.00	Federal, CIB, Private, Local	\$0.00	GRANT	\$30,000,000.00	LOAN	\$0.00	Oct-21 -

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Applicant Priority	County Area Priority	Entity	Project Description	Estimated Total Cost	Revenue Sources/Shares		CIB Request				CIB Submission Date
4	H	SCIC	Rural Freight Transport Study (Phase 2)	\$200,000.00	CIB, Private, State, Local	\$0.00	GRANT	\$200,000.00	LOAN	\$0.00	Jun-21 -
5	H	SCIC	Recreation Trail System	\$2,000,000.00	CIB, Private, State, Local	\$0.00	GRANT	\$2,000,000.00	LOAN	\$0.00	Feb-22 -
6	H	SCIC	Regional Recreational Planning	\$250,000.00	CIB, Federal, State, Local	\$0.00	GRANT	\$250,000.00	LOAN	\$0.00	Feb-22 -
7	H	SCIC	Southeast Utah Rail Line Study	\$250,000.00	CIB, Private, State, Local, Federal	\$0.00	GRANT	\$30,000,000.00	LOAN	\$0.00	Feb-22 -
8	H	SCIC	Navajo Mountain Regional Transportation Planning	\$60,000,000.00	Tribal, State, Local, Federal	\$0.00	GRANT	\$60,000,000.00	LOAN	\$0.00	Jun-21 -
9	H	SCIC	Energy Research Center	\$1,000,000.00	CIB, Private, Local	\$0.00	GRANT	\$1,000,000.00	LOAN	\$0.00	Oct-21 -
10	H	SCIC	Air Quality Solutions Study	\$500,000.00	CIB, State	\$0.00	GRANT	\$500,000.00	LOAN	\$0.00	Oct-21 -
1	H	Tridell-Lapoint Water District	Water Pipeline Project	\$2,000,000.00	N/A	\$0.00	GRANT	\$1,600,000.00	LOAN	\$400,000.00	Feb-22 -
2	H	Tridell-Lapoint Water District	Treatment Plant Upgrades	\$500,000.00	N/A	\$0.00	GRANT	\$250,000.00	LOAN	\$250,000.00	Feb-22 -
1	H	Uintah County MBA	Uintah County Road Department Equipment	\$1,600,000.00	Uintah County	\$1,000,000.00	GRANT	\$600,000.00	LOAN	\$0.00	Jun-21 -
2	H	Uintah County MBA	Balance Utah	\$5,000,000.00	N/A	\$0.00	GRANT	\$5,000,000.00	LOAN	\$0.00	Jun-21 -
3	H	Uintah County MBA	Storm Sewer/Reclaim Canal	\$500,000.00	N/A	\$0.00	GRANT	\$500,000.00	LOAN	\$0.00	Jun-21 -
1	H	Uintah Fire Suppression SSD	Tridell Fire Station/Community Building	\$2,300,000.00	UFSSSD	\$350,000.00	GRANT	\$975,000.00	LOAN	\$975,000.00	Oct-21 -
1	H	Uintah Recreation District	Softball Complex on Kay Property	\$2,000,000.00	N/A	\$0.00	GRANT	\$2,000,000.00	LOAN	\$0.00	Oct-21 -

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Applicant Priority	County Area Priority	Entity	Project Description	Estimated Total Cost	Revenue Sources/Shares		CIB Request			CIB Submission Date
2	H	Utah Recreation District	Indoor Sports Facility/Skate Park/Ice Rink	\$15,000,000.00	Utah Recreation District	\$4,500,000.00	GRANT	\$5,250,000.00	LOAN	Oct-21 -
1	H	Utah Transportation SSD	Asphalt Management - Infrastructure project	\$6,000,000.00	UTSSD	\$2,000,000.00	GRANT	\$3,000,000.00	LOAN	Feb-22 -
2	H	Utah Transportation SSD	Pedestrian Trails	\$2,500,000.00	UDOT	\$250,000.00	GRANT	\$1,750,000.00	LOAN	Jun-21 -
3	H	Utah Transportation SSD	Highway Infrastructure	\$5,000,000.00	UDOT	\$0.00	GRANT	\$3,000,000.00	LOAN	Jun-21 -
1	H	Utah Water Conservancy District	Water Market Development	\$700,000.00	N/A	\$0.00	GRANT	\$350,000.00	LOAN	Jun-21 -
2	H	Utah Water Conservancy District	Steinaker Service Canal Enclosure - Reach II	\$10,500,000.00	UWCD/BOWR	\$4,575,000.00	GRANT	\$4,443,750.00	LOAN	Jun-21 -
3	H	Utah Water Conservancy District	Steinaker Service Canal Enclosure - Reach III	\$16,000,000.00	UWCD/BOWR	\$4,000,000.00	GRANT	\$9,000,000.00	LOAN	Oct-21 -
1	H	Vernal City	Water Conservancy Projects	\$250,000.00	Vernal City	\$50,000.00	GRANT	\$100,000.00	LOAN	Jun-21 -
2	H	Vernal City	Downtown Revitalization	\$1,750,000.00	Vernal City	\$250,000.00	GRANT	\$500,000.00	LOAN	Oct-21 -
3	H	Vernal City	Street Improvements	\$1,000,000.00	Vernal City	\$250,000.00	GRANT	\$500,000.00	LOAN	Oct-21 -
4	H	Vernal City	Water System Improvements	\$1,500,000.00	Vernal City	\$0.00	GRANT	\$1,000,000.00	LOAN	Oct-21 -
5	H	Vernal City	Sewer Systems Improvements	\$1,500,000.00	N/A	\$0.00	GRANT	\$1,000,000.00	LOAN	Oct-21 -
6	H	Vernal City	Storm Water Improvements	\$1,000,000.00	N/A	\$0.00	GRANT	\$750,000.00	LOAN	Oct-21 -
7	H	Vernal City	Trail system/pedestrian paths	\$500,000.00	N/A	\$0.00	GRANT	\$200,000.00	LOAN	Feb-22 -

## PERMANENT COMMUNITY IMPACT FUND BOARD (PCIFB)

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